

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

APR - 2 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY *[Signature]* DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

MILTON SAGARNAGA MARTINEZ,
a/k/a Milton Humberto Sagarnaga Martinez,
a/k/a Milton H. Martinez,

Defendant.

No. **CR 13-070 R**

Violations: 8 U.S.C. § 1326(a)
18 U.S.C. § 922(g)(5)(A)
18 U.S.C. § 922(g)(1)
26 U.S.C. § 5845(a)
26 U.S.C. § 5861(d)
18 U.S.C. § 924(d)
26 U.S.C. § 5872
28 U.S.C. § 2461(c)

INDICTMENT

The Federal Grand Jury charges:

Count 1
(Illegal Re-entry to the United States)

On or about December 12, 2012, in Caddo County in the Western District of
Oklahoma,

----- **MILTON SAGARNAGA MARTINEZ,**
a/k/a Milton Humberto Sagarnaga Martinez,
a/k/a Milton H. Martinez,-----

the defendant herein, an alien who was removed from the United States on or about February
18, 2010 after having been convicted of an aggravated felony, was found to be knowingly
in the United States without having obtained the consent of the Attorney General of the

United States or his successor, the Secretary for Homeland Security, to reapply for admission into the United States.

All in violation of Title 8, United States Code, Section 1326(a), the penalty for which is found at Title 8, Section 1326(b)(2).

COUNT 2
(Illegal Alien in Possession of Firearms and Ammunition)

On or about December 12, 2012, in Caddo County, within the Western District of Oklahoma,

----- **MILTON SAGARNAGA MARTINEZ,**
a/k/a Milton Humberto Sagarnaga Martinez,
a/k/a Milton H. Martinez,-----

defendant, being an alien illegally and unlawfully in the United States, knowingly possessed the following firearms and ammunition:

- (1) One (1) Russian manufactured AK-47 type rifle, 7.62x39 caliber, model ND1-1, bearing serial number F002417;
- (2) One (1) R.P.G. Arms AK 47-C rifle, manufactured from an Elk River receiver, 7.62x39 caliber, model ERTD, bearing serial number CC 3542;
- (3) One (1) Savage Arms pump-action shotgun, .20 gauge, Springfield model 67F, bearing serial number A490825;
- (4) One (1) Marlin lever-action rifle, 30-30 Win caliber, Glenfield model 30 "Golden 50," bearing serial number 70 104963;
- (5) One (1) High Standard pump-action shotgun, .12 gauge, Foremost model 4011, bearing serial number 3084819;
- (6) One (1) Gabilondos Yurresti-Elgoibar semi-automatic pistol, Ruby model, 7.65mm, bearing serial number 88934;

- (7) One (1) Dan Wesson Arms revolver, .357 Magnum, bearing serial number 144507;
- (8) Twenty (20) rounds of Federal 30-30 Win. ammunition;
- (9) One (1) box of Winchester ammunition containing thirty-two rounds of Winchester .38 Special;
- (10) Two (2) rounds of Lake City Army Ammunition Plant .223 caliber ammunition (blanks);
- (11) Three (3) rounds of Winchester, .20 gauge shotgun shells;
- (12) One (1) box of Winchester ammunition containing forty-three (43) rounds of Winchester 40 S&W ammunition; and
- (13) Fourteen (14) rounds of Fiocchi 7.62 x 39 ammunition,

which were in and affecting interstate and foreign commerce, in that said firearms and ammunition were not manufactured in the State of Oklahoma.

All in violation of Title 18, United States Code, Section 922(g)(5)(A), the penalty for which is found in Title 18, United States Code, Section 924(a)(2).

COUNT 3
(Felon in Possession of Firearms and Ammunition)

On or about December 12, 2012, in Caddo County, within the Western District of Oklahoma,

----- **MILTON SAGARNAGA MARTINEZ,**
a/k/a Milton Humberto Sagarnaga Martinez,
a/k/a Milton H. Martinez,-----

defendant, having been previously convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly and unlawfully possessed the following firearms and ammunition:

- (1) One (1) Russian manufactured AK-47 type rifle, 7.62x39 caliber, model ND1-1, bearing serial number F002417;
- (2) One (1) R.P.G. Arms AK 47-C rifle, manufactured from an Elk River receiver, 7.62x39 caliber, model ERTD, bearing serial number CC 3542;
- (3) One (1) Savage Arms pump-action shotgun, .20 gauge, Springfield model 67F, bearing serial number A490825;
- (4) One (1) Marlin lever-action rifle, 30-30 Win caliber, Glenfield model 30 "Golden 50," bearing serial number 70 104963;
- (5) One (1) High Standard pump-action shotgun, .12 gauge, Foremost model 4011, bearing serial number 3084819;
- (6) One (1) Gabilondos Yurresti-Elgoibar semi-automatic pistol, Ruby model, 7.65mm, bearing serial number 88934;
- (7) One (1) Dan Wesson Arms revolver, .357 Magnum, bearing serial number 144507;
- (8) Twenty (20) rounds of Federal 30-30 Win. ammunition;
- (9) One (1) box of Winchester ammunition containing thirty-two rounds of Winchester .38 Special;
- (10) Two (2) rounds of Lake City Army Ammunition Plant .223 caliber ammunition (blanks);
- (11) Three (3) rounds of Winchester, .20 gauge shotgun shells;
- (12) One (1) box of Winchester ammunition containing forty-three (43) rounds of Winchester 40 S&W ammunition; and

(13) Fourteen (14) rounds of Fiocchi 7.62 x 39 ammunition, which were in and affecting interstate and foreign commerce, in that said firearms and ammunition were not manufactured in the State of Oklahoma.

All in violation of Title 18, United States Code, Section 922(g)(1), the penalty for which is found in Title 18, United States Code, Section 924(a)(2).

COUNT 4
(Possession of a Sawed-off Shotgun)

On or about December 12, 2012, in Caddo County, in the Western District of Oklahoma,

----- **MILTON SAGARNAGA MARTINEZ,**
a/k/a Milton Humberto Sagarnaga Martinez,
a/k/a Milton H. Martinez,-----

did knowingly and unlawfully possess a firearm as defined by Section 5845 of Title 26, United States Code, which is a firearm, commonly known as a sawed-off shotgun, and more fully described as a Savage Arms pump-action shotgun, .20 gauge, Springfield model 67F, bearing serial number A490825, with a barrel length of less than eighteen inches (18”), that is an approximate barrel length of fifteen inches (15”), which was not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5845(a) and 5861(d), the penalty for which is found in Title 26, United States Code, Section 5871.

FORFEITURE

A. The allegations contained in Counts 1, 2, 3 and 4 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture.

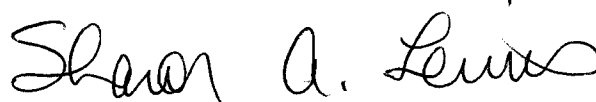
B. Upon conviction of either of the offenses alleged in Counts 2, 3 and 4 of this Indictment, defendant shall forfeit to the United States any firearms and ammunition involved in the commission of the offense, including but not limited to:

- (1) One (1) Russian manufactured AK-47 type rifle, 7.62x39 caliber, model ND1-1, bearing serial number F002417;
- (2) One (1) R.P.G. Arms AK 47-C rifle, manufactured from an Elk River receiver, 7.62x39 caliber, model ERTD, bearing serial number CC 3542;
- (3) One (1) Savage Arms pump-action shotgun, .20 gauge, Springfield model 67F, bearing serial number A490825;
- (4) One (1) Marlin lever-action rifle, 30-30 Win caliber, Glenfield model 30 "Golden 50," bearing serial number 70 104963;
- (5) One (1) High Standard pump-action shotgun, .12 gauge, Foremost model 4011, bearing serial number 3084819;
- (6) One (1) Gabilondos Yurresti-Elgoibar semi-automatic pistol, Ruby model, 7.65mm, bearing serial number 88934;
- (7) One (1) Dan Wesson Arms revolver, .357 Magnum, bearing serial number 144507;
- (8) Twenty (20) rounds of Federal 30-30 Win. ammunition;
- (9) One (1) box of Winchester ammunition containing thirty-two rounds of Winchester .38 Special;
- (10) Two (2) rounds of Lake City Army Ammunition Plant .223 caliber ammunition (blanks);
- (11) Three (3) rounds of Winchester, .20 gauge shotgun shells;

- (12) One (1) box of Winchester ammunition containing forty-three (43) rounds of Winchester 40 S&W ammunition;
- (13) Fourteen (14) rounds of Fiocchi 7.62 x 39 ammunition;
- (14) Any and all ammunition not specified above.

All pursuant to Title 18, United States Code, Section 924(d), Title 26, United States Code, Section 5872, and Title 28, United States Code, Section 2461(c).

A TRUE BILL:



FOREPERSON OF THE GRAND JURY

SANFORD C. COATS
United States Attorney



ARVO MIKKANEN
Assistant U.S. Attorney